

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
AMIRAH MERCER,	:	
	:	
Plaintiff,	:	
	:	22 Civ. 6322 (LGS)
-against-	:	
	:	
VIACOMCBS/PARAMOUNT,	:	<u>ORDER</u>
	:	
Defendant.	:	
	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, the Order dated September 12, 2022, directed the Clerk of Court to issue a summons and the U.S. Marshals Service to serve the summons on Defendant (Dkt. No. 10);

WHEREAS, the Order dated September 14, 2022, scheduled an initial pretrial conference for November 9, 2022, and directed the parties to file a joint letter and proposed civil case management plan and scheduling order (Dkt. No. 13);

WHEREAS, the U.S. Marshals Service has not yet filed a return of service on the docket and Defendant has not appeared;

WHEREAS, on November 2, 2022, Plaintiff complied in part with the Order at Dkt. No. 13 and filed a Report of the Parties' Planning Meeting despite the fact that Plaintiff had not yet been able to confer with Defendant;

WHEREAS, on November 2, 2022, Plaintiff filed a document that the Court construes as a motion for default judgment, declaring under penalty of perjury that "[a] certified notice was mailed to the defendants who did receive official notice," but failing to describe what papers were served, when, where, by whom or on whom the papers were served. It is hereby

ORDERED that the initial pretrial conference scheduled for November 2, 2022, is **adjourned to December 14, 2022, at 4:20 P.M.** The conference will be held by telephone. At

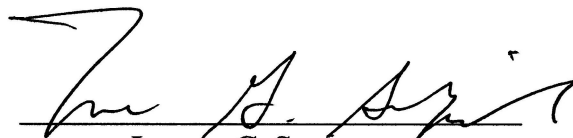
the time of the conference, the parties shall call 888-363-4749 and use access code 558-3333.

The time of the conference is approximate, but the parties shall be ready to proceed at the scheduled time. It is further

ORDERED that, by **December 7, 2022, at noon**, if Plaintiff is in contact with Defendant, the parties shall file a joint letter in accordance with the Order at Dkt. No. 13 and a proposed civil case management plan and scheduling order in the form available on the Court's website, <https://nysd.uscourts.gov/hon-lorna-g-schofield>. If Plaintiff is not in contact with Defendant, Plaintiff shall file a letter stating that by **December 7, 2022, at noon**. It is further

ORDERED that Plaintiff's motion for default judgment is DENIED without prejudice to renewal, because no sufficient proof of service has been filed. As mentioned above, the U.S. Marshals Service was directed to serve the Complaint and Summons, and the Court expects they will do so and then file a return of service. In that case, the date on which Defendant was served by the U.S. Marshals Service will govern Defendant's deadline to respond to the Complaint. If Plaintiff files a renewed motion for default judgment prior to that point because Plaintiff believes that Defendant has been served other than by the U.S. Marshals Service, Plaintiff must include an affidavit from the person who served the Complaint and Summons on the Defendant. Plaintiff is cautioned that, as a party to the case, Plaintiff is not allowed to serve Defendant personally, and that in any event, service of a Complaint and Summons by mail generally is not sufficient.

Dated: November 2, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE